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does so in a way which will not offend even the most delicate sensibilities. While very few will agree with some of the conclusions reached, yet the main thought of the work will be acceptable to all. Emphasis is placed upon the social side of marriage and this feature of the work constitutes a comparative novelty.

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THE GOVERNMENT CLASS BOOK<sup>1</sup> is one of the few secondary books intended to present the principles and facts of political science necessary to the proper exercise of the functions of citizenship. The first part, the exposition of general principles of legal and political science, is a revision of Mr. Young's former manual. The second part is a study by Professor Judson of the method and machinery of the government of Illinois.

In addition to the subjects treated in every conventional text-book on civics, six out of fourteen sections are devoted to local government, public revenue, public education, constitutional restrictions on the powers of government and the relations of Illinois to the United States. The teacher will find helpful suggestions in the frequent use of references, as well as in the ten appendices. Here are given an analysis of the Illinois constitution, the governors of Illinois, the presidents of the United States, the electoral votes cast by Illinois, the congressional districts, the senatorial districts and the election districts of the supreme court, the judicial circuits, the area and population of Illinois and Chicago since their settlement and a list of references to laws and constitutions.

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#### REVIEWS.

*Historical Jurisprudence. An Introduction to the Systematic Study of the Development of Law.* By GUY CARLETON LEE. Pp. xv, 517. Price, \$3.00. New York: The Macmillan Company, 1900.

"The unity which it is the business of jurisprudence to exhibit as underlying all the phenomena which it investigates is the late discovery of an advanced civilization, and was unperceived during much of the time during which those phenomena were accumulating. The facts can only be presented by history, and history may be studied with the sole view of discovering this class of facts. But this is not the task of jurisprudence, which only begins when these facts begin to fall into an order other than the historical and to arrange themselves

<sup>1</sup>*The Government Class Book. A Manual of Instruction in the Principles of Constitutional Government and Law.* By ANDREW W. YOUNG and HARRY PRATT JUDSON, LL. D. Pp. 265. Price, 75c. New York: Maynard, Merrill & Co., 1900.

in groups which have no relation to the varieties of the human race. . . . One work on jurisprudence may contain more of historical disquisition, while in another philosophical argument may predominate, but such differences are incidental to the mode of treatment and afford no ground for a division of the science itself."

These words of Professor Holland must be accepted as authoritative. They express with unmistakable clearness a view of jurisprudence which is now taken by the most discriminating students of that science. If such a view be accepted, the title of Dr. Lee's book is a misnomer, for his "Historical Jurisprudence" is not jurisprudence at all, nor is it a history of jurisprudence. In fact, it is an exposition of certain legal systems and should be so entitled. The national codes which he has selected for study are those of Babylonia, Egypt, Phœnicia, Israel, India, Greece, Rome, and early England. Besides these there is an exposition of the Canon Law. The monographs dealing with these codes are grouped in three general parts. Part I is entitled "The Foundations of Law;" Part II, "The Development of Jurisprudence," and Part III, "The Beginnings of Modern Jurisprudence." But something more than names is necessary to give to the different parts of a work an organic unity, and such unity is just what "Historical Jurisprudence" lacks. Speaking from the point of view already indicated, it may fairly be said that Dr. Lee's first part should have been called "Outlines of Early Law;" his second, "The Development of a Legal System," and his third, "The Beginnings of Modern Codes."

Except from a chronological standpoint the ideas treated in Part I could scarcely be said to be foundations of law. Many of them indeed are not even shared in a slight degree by the later codes, and hence would be "foundational" only in the sense of being antecedent to present notions. Of those systems that are to be taken as foundational, Dr. Lee enumerates six—the Babylonian, Egyptian, Phœnician, Jewish, Indian and Greek. Babylonia, he thinks, has through its system exerted an immense influence upon the law of the western world. Here the first needs that gave rise to a legal system were commercial in their character. "The great work of the nation was the production of a system of law necessary to the extended commercial activity of the city and produced by that activity." On the other hand, the basis of the Egyptian code was the relation of the population to the soil. "Foreign commerce, at least in the early and middle empires, was foreign to the Egyptian character." Hence the quiet growth of a system of private customary law not dependent upon legislative enactment. No changes like that produced in the Roman law by the introduction of the *Jus Gentium* are to be traced, nor was the system deeply affected by notions borrowed from neighboring

countries. Phœnicia, however, drew largely upon the legal ideas of Babylon, and its law dealt largely with trade. A new principle was invoked in the Jewish law. Civil and criminal law were distinguished by the influence of religious ideas. No clear conception of the state as a party to the law existed, but revenge between man and man was the underlying principle. Three distinct codes may be observed, that laid down in Exodus, the Deuteronomic code, and the priestly code found in Exodus and Numbers. Indian law was similar in that the whole life of man was treated from an exclusively religious standpoint, since "no circumstances had arisen to cause a distinction between theology, philosophy and law as independent sciences." Greek law was a distinct step in advance over earlier systems. The idea of the state became prominent, and although it was recognized in different degrees and in different ways by the varying codes of Greece, *e. g.*, those of Sparta and Athens, it was always conscious. The law of Rome represented an entirely new phase of human conceptions on the subject. It is a trite commonplace to say that it was the great and enduring contribution of the nation to the world's intellectual wealth. "The position which Greece has held in the history of the culture of the world was in no greater degree owing to its artistic triumphs than was the corresponding position of Rome to its juridical triumphs."

Very much more space is necessarily devoted by Dr. Lee to the law of Rome than to that of any other state. Material, too, is much more abundant and more available. Yet it is just here that the author's method proves disappointing. He does not improve upon the numerous brief discussions of Roman law that are accessible to every student, and the defects of his method of studying the subject have prevented him from tracing the relations between the Roman system and the codes that preceded it. Much the same may be said of the treatment of early English law, but more interesting are the chapters on the barbarian codes and the reception of Roman law. The latter traces the process of transplanting the law of Rome to continental countries.

"Historical Jurisprudence" seems to be made up largely from secondary sources, and hence cannot be regarded as a standard work, whatever its accuracy. It contains no bibliography and few footnotes, and is somewhat lacking in scientific quality. Moreover, as already indicated, it is not a work dealing with jurisprudence in the true sense of the word. Nevertheless, it is a distinctly readable book and will be very useful for convenient reference.

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